

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EARL LEE RINKER, II,

Plaintiff(s),

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant(s).

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Case No. 4:08CV667 JCH
(TIA)

ORDER

This matter arises on the Report and Recommendation of United States Magistrate Judge Terry I. Adelman (“Report”), filed September 4, 2009. See 28 U.S.C. §636. In his Report, Magistrate Judge Adelman recommends that the Court reverse the decision of the Commissioner, and remand this case for further proceedings. On September 10, 2009, Defendant filed an Objection to Magistrate’s Report and Recommendation (“Response”). (Doc. No. 20).

In his Report, Magistrate Judge Adelman states that, “[a]lthough the ALJ thoroughly discussed why he did not adopt the opinions of the various medical sources, and why he found Claimant’s subjective complaints not to be credible and his RFC [residual functional capacity] not limited as alleged, the undersigned finds the ALJ’s failure to explain how he arrived at the specific limitations set forth in his RFC determination after rejecting the various medical opinions to be troublesome.” (Report, p. 59). Magistrate Judge Adelman found the ALJ’s failure to explain his assessment of the Claimant’s RFC to be reversible error. (Id.) In his Response, Defendant claims that the ALJ’s decision was “completely consistent” with the testimony of James D. Reid, Ph.D., the psychological expert who testified at the administrative hearing. (Response, pp. 2, 4). Defendant

acknowledged that the ALJ failed “to state that Dr. Reid’s opinion was the basis for his RFC,” but claims that the “evidence clearly shows that this was the case.” (Response, p. 4).

After review of the entire record in this matter, the Court concurs in the Magistrate Judge’s findings, and will adopt the Report and Recommendation. On remand, the ALJ is directed to “provide a clear explanation on how he arrived at the specific limitations set forth in his RFC determination and [to] support his reasons with evidence from the record.” (Report, pp. 59-60). Accordingly, the Court will reverse and remand this matter to the Commissioner for further administrative proceedings.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 19) is adopted and incorporated herein.

IT IS FURTHER ORDERED that this matter is reversed and remanded to the Commissioner for further proceedings consistent with the Magistrate Judge’s Report and Recommendation and with this Order. A separate Order of Remand shall accompany this Order.

Dated this 11th day of September, 2009.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE